

REMARKS

The Office Action of 01/31/05 has been carefully considered by Applicant and his Attorney. Reconsideration of the Application, as amended, is respectfully requested.

In the Office Action, the Examiner objected to **Claims 13 and 20** and rejected **Claims 1-5 and 9-16** under 35 U.S.C. § 102(b) as being anticipated by **U.S. Patent No. 3,148,833 to Wilson et al.** **Claims 7, 8 and 17** were rejected under 35 U.S.C. 103(a) as obvious over **Wilson et al.** and **Claims 18-20** were rejected under 35 U.S.C. 103(a) as obvious over **Wilson et al.** in view of **U.S. Patent 6,698,774 to Duncan.**

The Examiner is thanked for his observations regarding the language of **Claims 13 and 20** and the suggested changes have accordingly been made. The previous restriction requirement has been withdrawn, as discussed with the Examiner. Thus, **Claims 1-20** are all pending in this Application.

The primary patent reference of **Wilson et al.** cited by the Examiner discloses a road striper machine having a retractable mechanism for a spray gun 104 mounted to carriage 103. As shown in the drawings and discussed in the specification, the road striper comprises a motor truck 100 with a transversely extending telescoping mechanism 102 mounted to the motor truck 100. The spray gun functions from the side of the motor truck 100 to paint centerline 206 as shown in **Figures 2 and 3** as does the spray gun on the opposite side to paint berm line 205, curb line 401, outside stall barrier line 403 or transverse line 404, as shown in **Figures 4A and 4C.**

Unlike the road striping machine of **Wilson et al.**, Applicant's stripe layout assembly provides a marked line B parallel to paint line A which is painted by spray head assembly 21 mounted to the front of striping machine 20. As shown in **Figure 1**, line C shows that the chalk 19, for example, is aligned with the spray head assembly 21.

The secondary reference of **Duncan** discloses a parallel spacing guide used for construction and maintenance purposes to mark a line one to four feet from a vertical surface, such as a curb or wall. The spacing guide structure is shown to have a rigid body 2, guide wheel

4, parallel street wheels 3 and a point gun 50 as shown in **Figures 11-14**, to mark line 12 parallel to guide wheel 4. Although **Duncan** teaches the use of a spray paint gun, the structure of the spacing guide would not yield or suggest when combined with **Wilson et al.**, a stripe layout assembly as that of Applicant's, particularly as the assembly is now set forth in the amended claims.

In view of the Office Action and the comments above regarding the cited prior art, independent **Claim 1** has been amended to clarify Applicant's invention and to overcome the teachings of the cited **Wilson et al.** patent. Specifically, the stripe layout assembly is for use with a hand operable paint striping machine and to which the stripe layout assembly is attached. The elongated arm member now includes a hinge member to provide vertical movement and the marking means now comprises a movable extension bracket and a marking element. The marking means is positioned with respect to the paint spray head of the striping machine and the activation means is operable from the paint striping machine to position and align the marking means with respect to the paint spray head of the striping machine. **Claims 2, 5 and 10** have accordingly been canceled in that the language of these claims have essentially been incorporated into **Claim 1**. Amended **Claim 1** is now deemed allowable over the cited art.

Independent **Claim 11** has been amended to require that the means to attach includes a stationary arm section and a hinge member for mounting to the paint striping machine, the elongated arm member being attached to and extending from the hinge member. The stationary arm section 11 and hinge member 15 are shown in **Figures 1-3 and 6**. **Claim 11** has been further amended to include that the marking means is activatable from the paint striping machine to position the marking means with respect to the spray head of the paint striping machine. Accordingly, **Claims 12 and 16** have been cancelled. Amended **Claim 11** is deemed allowable over the cited art.

Independent **Claim 18** has been amended to require the elongated arm to be vertically and horizontally moveable and the marking means to be activatable. Further, the elongated arm now includes a hinge member and a horizontal adjustment device to move and adjust the

elongated arm member with respect to the spray head of the paint striping machine. Accordingly, **Claim 19** has been cancelled. The amendment is deemed to overcome the cited art. A person of ordinary skill would no longer find obvious, in view of the art of record, the stripe layout assembly of Applicant's invention as now claimed. The utilization of a vertically and horizontally movable elongated arm member having an activatable marking means as set forth in the amended claim is not taught or suggested in the art of record, and thus is deemed allowable over this art.

Applicant submits that independent **Claims 1, 11 and 18**, as amended, are patentable over the art of record and they are believed to be clearly supported by the Specification, particularly when taken with the drawings. The remaining **Claims 2-4, 6-9, 13-15, 17, 20 and New Claims 21-26** are dependent on either Independent **Claim 1, 11, or 18** and are deemed allowable with their respective parent claims. **Claims 2, 5, 10, 12, 16 and 19** have been canceled.

Applicant believes his case is now in a condition for allowance, and reconsideration and favorable action are respectfully requested. If the Examiner feels that telephone contact with Applicant's Attorney would advance the prosecution of this case to finality, he is invited to call at the number below.

Respectfully submitted,

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